

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 5-7-08 MA

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

DENNIS WU-HSUN PENG, D.D.S.
License No. 22DI01620400

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Dentistry upon receipt of information that Dennis Wu-Hsun Peng, D.D.S. ("respondent"), had failed to renew his license to practice dentistry between 1997 and 2004, and based on that failure, had been the subject of an order in a civil action brought by the Insurance Fraud Prosecutor based on his submission of claims to insurance companies during a period when he did not hold a current dental license . Moreover, respondent failed to provide proofs of continuing education for three renewal periods. Based on that information, the Board issued a Provisional Order of Discipline on December 5, 2007, in which it made provisional findings of fact and conclusions of law. That order advised respondent that he had an opportunity to contest the provisional findings through submission of documentation within thirty business days of the entry of the Provisional Order.

Respondent was served with the Provisional Order by certified and regular mail at his address of record with the Board. No response was received by the Board within the thirty day period. Board staff then contacted respondent by phone to obtain a

current address. The Provisional Order was sent certified mail to respondent's current practice address. The return receipt card was returned to the Board office bearing the signature of "Tiffany Peng." Despite receipt, respondent did not submit any response to the Provisional Order. On April 2, 2008, the Board considered the matter. The absence of a response from respondent, even after direct contact with staff, demonstrates that respondent continues to believe he is above compliance with the laws and regulations governing the practice of dentistry and the processes employed to enforce those laws. The civil judgment order against respondent was entered after he defaulted. Here, while facing substantial penalties for his conduct in engaging in the unlicensed practice of dentistry, he again has failed to offer even a hint of mitigation for his conduct. Such blatant disregard of his responsibilities to the licensing authority call into question his judgment and militate against any leniency in the penalty that is to be imposed. The Board, therefore, has determined to finalize the order as provisionally entered. As such, the following findings and conclusions are made.

FINDINGS OF FACT

1. Dennis Wu-Hsun Peng, D.D.S. ("respondent"), was granted his initial license to practice dentistry in the State of New Jersey on September 1, 1987. Respondent is currently licensed to practice dentistry having had his license reinstated by the Board on October 4, 2005.

2. Respondent failed to renew his license to practice dentistry in the State of New Jersey for the 1997-1999 biennial renewal period. Respondent did not request reinstatement of his license until he submitted an application for reinstatement to the Board dated July 8, 2004. Pursuant to N.J.S.A. 45:1-7.1(b), respondent's license

became automatically suspended without a hearing, subsequent to January 18, 2000, the effective date of the statute.

3. On October 6, 2004, respondent appeared at an investigatory inquiry before the Board regarding his request for reinstatement. During the inquiry, respondent acknowledged he failed to renew his license for the biennial periods of November 1, 1999 through October 31, 2001, as well as November 1, 2001 through October 31, 2003 and November 1, 2003 through October 31, 2005. Respondent also admitted that during that time period he continued to practice dentistry at his current practice located at 3840 Park Avenue, Suite 207, Edison, New Jersey 08820.

4. At the time of the inquiry, respondent was not able to demonstrate completion of the entire forty (40) hour continuing education requirement for biennial periods 1997-1999, 1999-2001 and 2001-2003. Instead, respondent only provided proof of twelve(12) credits for the 1997-1999 period; 19 credits for the 1999-2001 period and 28 credits for the 2001-2003 period.

5. On May 11, 2006, the Office of Insurance Fraud Prosecutor ("OIFP") filed a civil complaint against respondent pursuant to the New Jersey Insurance Fraud Prevention Act, N.J.S.A. 17:33A-1 et seq. ("the Act"). The complaint alleged that between the dates of October 31, 1999 and October 4, 2005, respondent submitted or caused to be submitted numerous claims for payment of insurance benefits to several dental insurance providers for reimbursement of dental services. The complaint further alleged that respondent knowingly submitted false or misleading information since he knew he was not a licensed dentist. Therefore, respondent knowingly submitted statements and or documents containing false or misleading information concerning facts material to the claims for payment of insurance benefits in violation of the Act.

6. On January 5, 2007, an Order for Final Judgment by Default was entered in Middlesex County Superior Court. The Order was entered subsequent to a motion for Final Judgment by Default based on respondent's failure to timely answer the civil complaint. The Order found that respondent was duly served with process and a copy of the summons and complaint but defaulted by failing to appear, answer or otherwise defend against the complaint. The Order imposed civil penalties against respondent in the amount of \$30,000.00 and attorney's fees and costs in the amount of \$2,584.95, for a total judgment in the amount of \$32,585.95.

CONCLUSIONS OF LAW

1. These facts establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent's failure to renew his license after it expired on November 1, 1999 and continuing to engage in the unlicensed practice of dentistry after his license was suspended by application of N.J.S.A. 45:1-7.1(b), constitutes professional or occupational misconduct.

2. These facts establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(k), in that respondent has been adjudicated and subject to a final order, entered in a civil proceeding, which imposed penalties for a violation of a provision of N.J.S.A. 17:33A-1 et seq

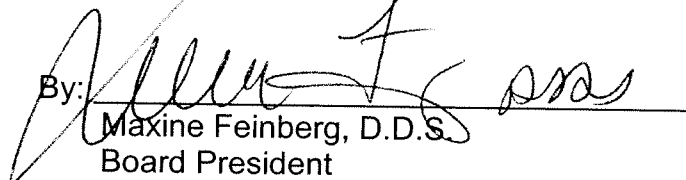
3. These above findings of fact also provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:30-5.1(a) in that respondent failed to complete the entire forty (40) hour continuing education requirement for biennial periods 1997-1999, 1999-2001 and 2001-2003.

ACCORDINGLY, IT IS on this 7th day of May, 2008,

ORDERED that:

1. Respondent is hereby reprimanded.
2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of ten thousand dollars (\$10,000.00) for failing to renew his license after it expired on November 1, 1999 and continuing to engage in the unlicensed practice of dentistry after his license became suspended in violation of N.J.S.A. 45:1-21(e).
3. Additionally, respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of ten thousand dollars (\$10,000.00) for having been adjudicated and subject to a final order, entered in a civil proceeding, which imposed penalties for a violation of a provision of N.J.S.A. 17:33A-1 et seq., in violation of N.J.S.A. 45:1-21(k).
4. Additionally, respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of five thousand dollars (\$5,000.00) for failing to complete the entire forty (40) hour continuing education requirement for biennial periods 1997-1999, 1999-2001 and 2001-2003 in violation of N.J.S.A. 45:1-21(h) (\$500 for the first offense and \$2,250 for each of the two subsequent offenses).
5. Payment of civil penalties totaling \$25,000 shall be forwarded to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, Newark, New Jersey 07101, within 45 days of the entry of this order. Failure to remit the penalties due by that date will result in the filing of a certificate of debt.

NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Maxine Feinberg, D.D.S.
Board President